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LOOMIS ARMORED US, LLC
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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12

13 ALEC LIGORRIA, on behalf of himself
and all others similarly situated,

14 Plaintiff,

15 v.

16 LOOMIS ARMORED US, LLC, a Texas
17 limited liability company; and DOES 1
through 50, inclusive,

18 Defendants.
19
20

Case No.

**DEFENDANT LOOMIS
ARMORED US, LLC'S NOTICE
TO FEDERAL COURT OF
REMOVAL OF CIVIL ACTION
FROM STATE COURT**

[28 U.S.C. §§ 1331, 1441(a) and (b)
and 1446]

(Los Angeles Superior Court, Case No.
22STCV21516)

**TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA, AND TO PLAINTIFF AND HIS
ATTORNEYS OF RECORD:**

PLEASE TAKE NOTICE that Defendant LOOMIS ARMORED US, LLC (“Defendant”) hereby removes this action brought by Plaintiff ALEC LIGORRIA (“Plaintiff”) (collectively, the “Parties”) in the California Superior Court, County of Los Angeles — with reservation of all defenses and rights — to the United States District Court for the Central District of California pursuant to 28 U.S.C. §§ 1331, 1441(a) and (b), and 1446.

I. INTRODUCTION

1. On July 1, 2022, Plaintiff Alec Ligorria filed a Complaint against Defendant in Los Angeles County Superior Court entitled “ALEC LIGORRIA, on behalf of himself and all others similarly situated v. LOOMIS ARMORED US, LLC, a Texas limited liability company; and DOES 1 through 50, inclusive,” Case No. 22STCIV21516 (hereinafter the “State Court Action”).

II. REMOVAL IS TIMELY

2. This Notice of Removal is timely because Defendant is filing the Notice of Removal within 30 days from the date on which the Summons was deemed effectively served. *See Murphy Brothers, Inc. v. Michetti Pipe Stringing, Inc.*, 526 U.S. 344, 354 (1999). A true and correct copy of the Complaint, Summons, and all other process that have been served on Defendant to initiate the State Court Action is attached hereto as **Exhibit A**. Service on LOOMIS ARMORED US, LLC was completed on July 6, 2022. Proof of service was filed with Los Angeles County Superior Court on July 14, 2022. Thus, in accordance with 28 U.S.C. § 1446(b), Defendant is timely filing this Notice of Removal within 30 days of service.

III. REMOVAL JURISDICTION BASED ON THE PRESENTATION OF A FEDERAL QUESTION

3. Plaintiff's Complaint alleges violations of the federal Fair Credit Reporting Act, 15 U.S.C § 1681, *et seq.* ("FCRA"). Plaintiff contends that "Defendants routinely acquire consumer reports to conduct background checks on Plaintiff and other prospective, current, and former employees, and use information from consumer reports in connection with their hiring process without providing proper disclosures and without obtaining proper authorization in compliance with the law." (Complaint, ¶ 2.) Specifically, Plaintiff contends that "[t]he disclosures provided by Defendants contained extraneous and superfluous language that does not consist solely of the disclosure as required by the FCRA and/or is not clear and conspicuous. In violation of Section 1681b(b)(2)(A) of the FCRA, the following provisions of Defendant's disclosure documents contain extraneous information that violates the "solely" requirement of the FCRA . . ." (Complaint, ¶¶ 21-22.) Plaintiff further alleges that "the inclusion of the extraneous provisions causes the disclosure to fail to be "clear and conspicuous" and "clear and accurate," and thus allegedly violates Sections 1681b(b)(2)(A) and 1681d(a)." (Complaint, ¶ 23.) Plaintiff therefore alleges one cause of action for "Failure to Make Proper Disclosure In Violation of the FCRA," 15 U.S.C. § 1681b(b)(2)(A). (Complaint, ¶¶ 24-36.) Thus, the State Court Action is removable to this Court because it has original jurisdiction over the federal questions presented by Plaintiff's Complaint pursuant to 28 U.S.C. §§ 1331 and 1441(a).

4. By filing the Notice of Removal, Defendant does not waive any objections it may have as to service, jurisdiction, venue, or any other defenses available at law, in equity or otherwise, including but not limited to its contention that Plaintiff is bound to arbitrate. Defendant intends no admission of fact or law by this Notice and expressly reserves all defenses and motions.

1 **IV. VENUE IS PROPER**

2 5. The district and division embracing the place where the State Court
3 Action is pending is the Los Angeles Division of this Court. *See* 28 U.S.C. §§ 84(a)
4 and 1441(a).

5 **V. EXHIBITS**

6 7. Pursuant to 28 U.S.C. § 1446(a), the following are attached as
7 Exhibits hereto: A copy of the Complaint, Summons, Civil Case Cover Sheet, Civil
8 Case Cover Sheet Addendum and Statement of Location, Alternative Dispute
9 Resolution Packet, Voluntary Efficient Litigation Stipulation Packet, First Amended
10 Order Regarding Mandatory Electronic Filing, and Notice of Case Assignment –
11 Unlimited Civil Case that have been served on Defendant to initiate the State Court
12 Action is attached hereto as **Exhibit A**. A copy of the Proof of Service filed by Plaintiff
13 with the Court reflecting service on Defendant on July 6, 2022, of the pleadings
14 initiating the State Court Action is attached hereto as **Exhibit B**. A copy of the Superior
15 Court's Notice of Case Reassignment and Order for Plaintiff to Give Notice, associated
16 affidavit of mailing, and Plaintiff's Notice of Case Reassignment is attached hereto as
17 **Exhibit C**. A copy of the Superior Court's Minute Order Regarding Newly Assigned
18 Case, Initial Status Conference Order, affidavit of mailing and Plaintiff's Notice of
19 Initial Status Conference and Order is attached hereto as **Exhibit D**. A copy of the
20 Answer to the Complaint filed in the State Court Action August 5, 2022, is attached
21 hereto as **Exhibit E**.

22 **VI. NOTICE TO PLAINTIFF AND STATE COURT**

23 8. Promptly after the filing of this Notice of Removal in this Court,
24 written notice of such filing will be given by the undersigned to Plaintiff's counsel of
25 record, and a copy of the Notice of Removal, including exhibits, will be filed with the
26 Los Angeles County Superior Court Clerk, as required by 28 U.S.C. § 1446(d).

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1 9. Counsel for Defendant has signed this Notice of Removal in
2 compliance with the requirements of 28 U.S.C. § 1446(a) and Rule 11 of the Federal
3 Rules of Civil Procedure.

4 WHEREFORE, based on the foregoing, Defendant gives notice that it has
5 removed to this Court the Action now pending in Los Angeles County Superior Court.

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7 Dated: August 5, 2022

LITTLER MENDELSON, P.C.

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9
10 /s/ Rod M. Fliegel

11 ROD M. FLIEGEL
12 JENNIFER A. GOLDBERG

13 Attorneys for Defendant
14 LOOMIS ARMORED US, LLC

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